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SPEECH

OF

THE MOST HONOURABLE THE

MARQUESS OF LANSDOWNE,

ON THE

SECOND READING OF THE

COMPENSATION FOR DISTURBANCE

(IRELAND) BILL.

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DELIVERED

IN THE HOUSE OF LORDS,

MONDAY, AUGUST 2, 1880.

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EXTRACTED FROM

"HANSARD'S PARLIAMENTARY DEBATES,"

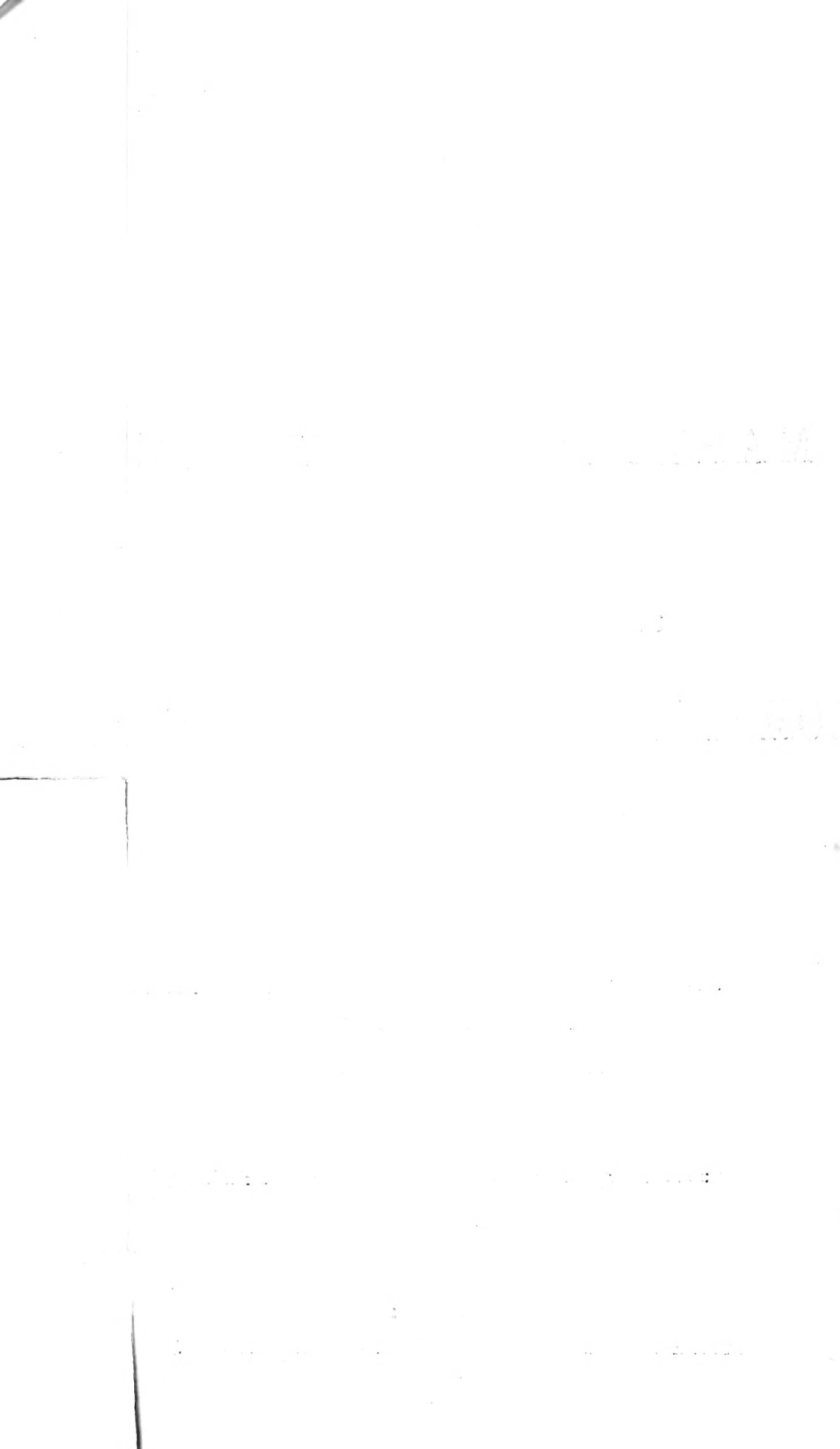
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# S P E E C H .

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HOUSE OF LORDS,

*Monday, 2nd August, 1880.*

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THE MARQUESS OF LANSDOWNE:  
My Lords, I have to ask your Lordships to bear with me for a few moments while I endeavour to justify the vote which I shall give when this discussion comes to a close. I shall record that vote with feelings of sincere regret. It is painful to me to oppose a measure which is intended to relieve distress in a country to which I am bound by the warmest sympathy. It is not less painful to me to find myself separated for the moment from noble Lords below me with whom I have, I believe, acted consistently ever since I have had the honour of a seat in your Lordships' House. And, my Lords, let me say at the outset that whatever may be my objections to this Bill, however great my regret at its introduction under the circumstances of the present time, and the alarm which I experience when I consider its effects, I have no complaint to make with regard to the intentions of those who have introduced it. Those intentions have been made perfectly clear by the noble Earl the Secretary of State for Foreign Affairs (Earl Granville), and by his Colleagues. Her Majesty's Ministers intend—and we note the announcement which they have made on this point—to administer the law in Ireland with a vigorous and fearless hand; but they desire to take precautions, lest under cover of that law any injustice should be done to those against whom it will be enforced. Those are just and generous intentions; but it is not enough that the intentions

should be good; and we contend that while the object of Her Majesty's Government is a laudable one, the means which they desire to adopt in order to attain it are means which will involve a cruel injustice to one class of the community, will excite dangerous expectations and foster mischievous opinions in the mind of another class, will anticipate, upon imperfect information, the action of Parliament on a question which is not yet ripe for decision, and will strike at public confidence and security in Ireland a blow the traces of which will not be effaced by volumes of remedial legislation and years of vigorous government.

What, my Lords, does this Bill do? It singles out a particular class of the community, it singles out a particular section of that class, it singles out a particular contract into which that section has entered, and it announces, with all the solemnity of an Act of Parliament, that the Legislature is going to revise the terms of that contract in favour of one of the parties to it, so that if that party fails to fulfil its obligations the Legislature will shield it from those consequences which in every civilized society result from the breach of a contract to those who have broken it.

Now, what is the class in favour of which we are asked to interfere, and what is the obligation from which it is to be relieved?

The class is that for which, during the last two or three years, a virulent agitation has demanded this very concession. The obligation is that attaching to a debt the payment of which has been denounced as a crime; a debt which, if it differs from other debts, differs from them in this respect—that unless the debtor had been allowed to incur it, he would have had no credit upon which to incur any other debts whatso-

ever; a debt which the law has certainly not hitherto regarded as of secondary obligation, compared with others, but which the Legislature is now to earmark as the only one to which the ordinary rules of commercial contract are inapplicable.

I ask your Lordships to consider the effect of such a step upon the character and conduct of the tenant farmers of Ireland, and I venture to express my belief that if you desire utterly to debauch their consciences, hopelessly to extinguish within their minds all self-reliance and honesty, if you want to encourage them to look anywhere but to their own energy and efforts for extrication from their difficulties, you have only to pass the Bill now before your Lordships' House. For, my Lords, who are the men who will reap these exceptional benefits? Recollect you are not compelling the landlords to concede, in consequence of the failure of the crops, a general and proportionate abatement of their rents; but you are compelling them, in every case where they find themselves obliged to proceed against half-a-dozen of their insolvent tenants, to pay to that particular half-a-dozen a heavy—I might almost say ruinous—rate of compensation. In 99 cases out of 100, these men will be the worst and most improvident farmers, and the most careless cultivators, who have failed when their more skilful and thrifty neighbours have kept their heads above water. These are the men who are to have access to the advantages of this measure. I ask your Lordships, whether, by extending this special protection to those who least deserve it, and withholding it from those who most deserve encouragement, you are likely to stimulate industry and skill, or to destroy them?

My Lords, not only is this a concession to demands which should never have been listened to; but it is a most inopportune concession. What is the condition of Ireland at the present moment? It has been described as being "within a measurable distance of civil war." I will not pause to consider whether that description is one entirely warranted by the facts; but I certainly fully share the feelings of alarm with which the Prime Minister views the state of Ireland. It is impossible to speak of it without mortification and

disappointment for the past, and apprehension for the future.

We are, unfortunately, not unfamiliar with Irish disaffection, and we have had experience of former periods of disloyalty and disorder in that country; but I do not believe that an epidemic of disloyalty and disorder has yet occurred there so dangerous as that which now affects some portions of Ireland. We have had an agitation for Repeal; we have had the miserable exhibition known as the Fenian outbreak; we have had the Home Rule agitation. All these have obtained a temporary, but, I believe, a superficial hold upon the minds of the Irish people. They were too unpractical in their objects to acquire a deep and permanent hold; their ends were never clearly defined; their supporters were never able to agree as to the means by which their objects were to be achieved; they gave expression to the vague aspirations of a sentimental and imaginative race. The present agitation differs widely from these; there is nothing vague, nothing unpractical about it; it appeals, not to the sentiments and the imagination, but to the more sordid and eminently practical instincts of the peasantry. Its ends are clear and intelligible; the means by which it is to be arrived at are well understood; it appeals, not to the sentiments and the imagination of the farmers, but to their pockets; its end is the destruction of the landlords, and the transfer of their property to others; its means are agrarian crime, and agrarian agitation directed at the depreciation of landed property, and the destruction of public security.

Do not let me be understood to say that the whole of the peasantry of Ireland are infected with this contagion. I believe that a small minority only of them are so infected; but I tell your Lordships that beyond these, the great mass of the small tenants in Ireland are watching and waiting—watching the struggle which is going on between order and anarchy—waiting in order that they may throw in their lot with that which proves to be the stronger side.

At such a moment a single step across the frontier which divides justice from injustice, a single concession extorted, in appearance, by pressure from without, cannot fail to have far-reaching and disastrous consequences; and yet that is



the moment which Her Majesty's Ministers have selected for the introduction of a proposal dealing with the very basis and fundamental principle of land tenure in Ireland.

Let us consider for a moment how this Bill will operate. There is a remarkable discrepancy between the anticipations of its supporters upon this point. Great efforts have been made, amongst others, by the noble Lord (Lord Emly) who has just addressed your Lordships, to minimize its effects. The noble Lord told us that it would have "hardly any operation at all;" but it is interesting to compare with the anticipation of the noble Lord the statement of the Prime Minister, who announced the other day that the Bill was one to confer on the occupiers of land in Ireland "privileges and gifts of enormous value." I had always understood, by the way, that there was something eminently uncongenial to Liberal ears in the sound of the word privilege, and it certainly is one of my objections to the Government measure that it does confer a class privilege, and that one of a very objectionable kind. Now, which is the truer account of the Bill? I believe that, if it is strictly interpreted, it will, in a large majority of cases, prove ineffectual as a measure of relief where relief is most required. If you exclude those cases where the tenant has been ruined by his own improvidence, his own want of skill, or by the fact that his holding, even in prosperous years, is too small to support him, you will find that a great number of the most urgent cases will not be touched by the Government measure, which may, I think, be fairly described as one involving a maximum of vicious principle with a minimum of real relief to those in whose interest it has been introduced.

Let us, however, suppose that it operates as it is intended by Her Majesty's Government that it should operate. This will be the kind of result which it will produce. The owner of a small estate, upon which he depends, perhaps, entirely for his income, an estate purchased very likely with the savings of a lifetime of hard work upon the security of a statutory title—a title which, if it had any meaning, conferred upon the purchaser a right not to the merely nominal ownership of the soil, but to the income derived from it, an income publicly set

forth by the Court through which the purchase was made—such an owner, finding that his tenants are utterly insolvent, that their stock has disappeared, that their land is exhausted, that they have no prospect whatever of paying the two years' rent which they owe him, is to be compelled to leave those tenants upon their holdings, on terms to be appointed by the County Court Judge, on pain of a fine equal to one-third of the fee simple value of the land. The rents may have been reasonable, the ruin of the tenant in no sense consequent upon any act of the landlord; there may be other tenants willing to enter into occupation; the landlord may be ready to submit without a murmur to the loss of the arrears, but you say to him—"If you, finding that the parties with whom this contract was made are unable to fulfil it, desire to terminate that contract, you shall be fined for doing so, in exactly the same way as you would be fined under the existing law, if you removed your tenants in order to turn their holdings into a grouse moor or a deer forest."

My Lords, we are desired to bear in mind the safeguards with which this Bill is surrounded, and the conditions which are to be fulfilled before the County Court Judge can award any damages against the landlord. I must be allowed to express my opinion that it will be absolutely beyond the power of any County Court Judge to determine in each case whether those conditions are, or are not, present. The most inquisitorial investigation of the circumstances and antecedents of the tenant will not, for instance, enable him to decide whether the man's insolvency is entirely due to the failure of his crops. The competition of foreign imports, low prices at home, accumulated debt, careless husbandry, all these, quite as much as bad harvests, have brought ruin on the small tenant farmers. How is it possible for any Judge, especially when a class of evidence is before him with which Irish local Courts are only too familiar, to determine the extent to which each of these causes has been responsible in the particular case brought under his jurisdiction?

But there is one safeguard upon which we are told to rely when all others fail. The landlord is to offer the tenant a "reasonable alternative." What is the "reasonable alternative?" We are not given any information about it. Parlia-

ment is not to define it, because, I suppose, it is incapable of definition; and, therefore, the duty of defining it is to be relegated to the County Court Judge. Unfortunately, however, we can construct for ourselves something like an account of the "reasonable alternative." We know its Parliamentary history, and the circumstances under which it effected its entrance into the Bill. The Amendment which introduced it was proposed by the Prime Minister in substitution for another Amendment of which Notice had been given in "another place" by one of the Irish Law Officers of the Crown. The Law Officer's Amendment enabled the landlord to escape from the payment of compensation by permitting his tenant to sell his interest in his holding; and it was objected to this that, under certain circumstances, that interest might prove to have no saleable value, and, therefore, in order to meet the case where the tenant's interest might prove unsaleable, the "reasonable alternative" was invented, under which, whenever the tenant right could be shown to have become absolutely valueless, the landlord might be compelled to purchase it at a price to be fixed by the County Court Judge.

We can, therefore, now arrive at something like an idea of the position of the landlord under the "reasonable alternative" clause of the Bill. First, he may be required, in consequence of a temporary difficulty, to introduce upon his estate the custom of tenant right, of which he very probably much disapproves, and which he has, at the cost of much trouble and expense, endeavoured for years past to exclude by every means in his power, a custom which once admitted upon an estate can never subsequently be got rid of. Secondly, should the tenant be unable to convert the interest thus accorded to him into money, the landlord is to be made to buy it. Observe, if you please, that at this point you are going very far beyond the limits of the Ulster custom. It is one of the incidents of that custom that a tenant evicted for non-payment of rent may claim to sell his goodwill; but if he cannot find a purchaser, he cannot claim compensation from the landlord; so that you are, in fact, giving to these tenants, who are outside the area covered by the Ulster custom and by analogous

customs, and who have paid not a sixpence for the acquisition of the privilege, a right not conceded even to the Ulster tenants who have, we were told by the Prime Minister in 1870, paid £20,000,000 in order to obtain the advantages of the tenant right custom. Thirdly, if such an arrangement does not commend itself to the landlord, he is to leave the tenant to complete the exhaustion of his own resources and those of the land for a further period of 18 months. And, fourthly, if the landlord cannot make up his mind to submit to this he is required to pay a fine equal to seven years' purchase of the holding.

My Lords, there is a proverbial alternative sometimes encountered by those who are unlucky in public or private life, and which is familiarly described as "finding oneself between the devil and the deep sea." I do not know whether to that alternative Her Majesty's Ministers would attach the epithet "reasonable."

And now, my Lords, I will, with the permission of the House, consider some of the arguments which have been advanced in support of this extraordinary proposal; and I will take first that argument which the noble Earl who moved the second reading of the Bill has founded upon the increase in the number of evictions. It is necessary to deal cautiously with the statistics affecting this subject, because our Tables have lately been inundated with these melancholy Returns, and it is not very easy to decide which of the numerous sets of figures that have been laid before Parliament represent the actual facts of the case. I will, however, deal with that which seems to be the most recent Return. What does it disclose? Certainly that there has been an increase, and a considerable one, in the number of evictions lately carried out over the numbers of former years. Can we be surprised at this? The landlords have had to encounter a widespread and determined resistance to the payment of rent; organizations have been set on foot with this object; and a landlord who resolves to insist upon his rights has only one course open to him—he must show that he does not intend to be frightened into submission; and when he is satisfied, as many landlords have had good reason to be satisfied, that rents are withheld because the tenants are

not so much unable as unwilling to pay them, he is bound in self-defence to have recourse to the law.

What, again, is the extent of the increase? The Return shows that in 1877, 261 families were evicted, and 80 reinstated as care-takers; in 1878, 608 families evicted, and 171 reinstated; in 1879, 903 families evicted, and 373 reinstated; and in the first six months of 1880, 995 families were evicted, of whom 392 were replaced as care-takers.

Let me observe, with reference to these care-takers, that as far as my experience goes, when a tenant is allowed after eviction to remain on his farm as care-taker, the arrangement is generally made with a view to his ultimately re-acquiring possession of his holding. Excluding the caretakers, you have, in round numbers, 600 tenants who have lost their homes in the last six months. And even from this number your Lordships must make some deduction on account of those whose equity of redemption has not expired, and who will, no doubt, some of them redeem their holdings.

I ask your Lordships whether these figures point to the conclusion that the landlords of Ireland have been taking advantage of their tenants' difficulties in order to clear their estates. There are, roughly speaking, about 600,000 tenants in Ireland; and I do not think we are warranted in believing that in the last half-year much more than one in every 1,000 of these has lost his holding absolutely and finally. It would be interesting to know whether in this country, where landlords are certainly not subject to the imputation of clearing their estates, the number of farmers who have been deprived of their homes is not proportionately higher than this? I suspect that it is. But be this as it may, I cannot admit that the facts, as stated by the promoters of this Bill, are such as to justify the wholesale interference with agricultural contracts which we have been asked to sanction.

Next, my Lords, we are informed that this Bill is only a legitimate development of the principles contained in the Land Act of 1870. Now, if I wished to prove how widely the proposal of 1880 differs from that of 1870, I would call your Lordships' attention to the difference between the reception accorded to the one measure and to the other by

owners of land in Ireland. When the Land Act of 1870 was before Parliament it received the support of a large number of Irish proprietors, many of whom took a prominent part in the debates, and spared no effort to render the measure an effectual one for the protection of the Irish tenants. But what is the case now? There is scarcely a single individual familiar with the circumstances of landed property in that country who does not see the immense dangers of the Government Bill, and oppose it with all his might.

Noble Lords who have appealed to the precedent of the Land Act will excuse me if I remind them of that which the Act did, and that which it did not do, for the occupiers of land in Ireland. In the first place, it gave to the Ulster tenants, and to those who held under analogous customs, a statutory right to their interest. They or their predecessors had paid large sums for the acquisition of that right, and the law secured them thenceforth in its enjoyment. To the tenants outside the area of the tenant right custom the Act gave two things—an absolute property in their improvements, and, beyond this, a right to compensation under certain very carefully-defined conditions. That compensation was intended to afford the tenant a security against capricious eviction, and his right to it was given subject to two strict limitations—first, he was precluded from claiming it unless he had paid his rent; secondly, the interest created for him was not to be a saleable interest.

In order to establish beyond dispute my contention upon this point, I will quote to the House the words used by the Prime Minister in "another place" in the debate upon the second reading of the Land Bill. Mr. Gladstone said, in 1870—

"Our main contention is this—that the great remedy which, apart from custom, ought to be provided for the Irish occupier, should be provided for him in the shape of a shelter against eviction, of a penalty, if I may so call it, upon eviction, but not upon the footing of a joint property in the soil. When he has paid his money that gives him such property . . . he is entitled to be protected; but I am not prepared, nor are my Colleagues, to admit that the just protection of him affords either an apology or a reason for endowing him with a joint property in the soil."—[3 *Hansard*, cxcix. 1844.]

Now, your Lordships will observe

from the above statement that it was clearly understood that the tenant was to have no "property" given to him in his holding; and having no property given to him, he had, of course, no interest which could, under any circumstances, become a saleable one. This Bill, however, deliberately overrides both these limitations. It proceeds, as has been stated over and over again by its supporters—upon the assumption that the Land Act did give to the tenant a "property;" and it provides that, under certain circumstances, that property may become a saleable one, with this further stipulation which I have already explained to the House—that when the tenant's interest proves to have no marketable value, the landlord may find himself compelled to purchase it at a price to be fixed by the County Court Judge.

Then, my Lords, we are told that if the principle of this Bill is not to be found in what may be called the main provisions of the Land Act, it may yet be discovered in one of its minor sections, and it is said that the 9th clause of the Act is one which admits that principle.

Now, it is, no doubt, true that under the clause in question the tenant may, under certain circumstances, claim compensation for disturbance, although he is evicted for non-payment of rent. But what are those circumstances? My Lords, the clause is strictly limited. First, it applies only to tenancies created before the passing of the Act—a distinction which at once places it upon a different footing from this Bill. Further, it applies only to cases in which the landlord had allowed a large arrear to accumulate over the tenant's head, or in which the rent which he had imposed was an exorbitant rent. But in both of these cases the insolvency of the tenant results from the act of the landlord, and from the oppressive exercise of his rights; whereas this Bill deals with the wholly different case where the tenant's ruin has been occasioned, not by the conduct of his landlord, but by what is spoken of as the "act of God." And yet it is argued that whether the tenant has been ruined by extortion, for which the landlord alone is accountable, or by misfortune, over which the landlord has no control, the landlord is to be fined just as if he were equally responsible in the one case and in the other.

Nor is the argument which the noble Earl (Earl Granville) has founded upon the fact that one of the clauses of the Land Act underwent an alteration in your Lordships' House, more convincing than that which I have just noticed, and for much the same reason—namely, that the clause in question, which was made somewhat more precise in its language by your Lordships in Committee, was one of which the application was restricted to tenancies in existence at the time of the passing of the Act, a limitation which is, of course, not to be found in this Bill, and the absence of which alters entirely its scope and character.

I will now pass to another argument, remarkable chiefly because it illustrates the weakness of the case in favour of the Bill. I mean the argument based upon the difference between the law under which an Irish landlord can proceed against his tenants, and that which applies to the same class of cases in this country.

I believe I am right in saying that as regards the termination of tenancies by notice to quit, the law is the same in both countries; but with regard to proceedings otherwise than by notice to quit, there is, no doubt, a difference. That difference is as follows:—In England, when six months' rent is due, the landlord may serve his tenant with a writ of ejectment, without any formal demand, only in cases where a right of re-entry has been reserved under the express conditions of the contract. In Ireland, however, when 12 months' rent is due the landlord may at once proceed by writ of ejectment, whether he has or has not reserved the right of so proceeding. Besides this, on every writ of habere in Ireland, there must be endorsed a statement of the amount due by the tenant, and if before execution of the writ that amount, together with the cost, is paid into Court, the proceedings are at once stayed.

Now, your Lordships will observe that while the Irish tenant is worse off than his English brother, inasmuch as he may in all cases be served with a writ of ejectment as soon as his rent is in arrear, whether the right of re-entry has been reserved or not, he is better off than the English tenant, in so far as he may run into arrear for 12 months instead of six, and in so far as there is open to him a cheap and expe-

ditious mode of staying proceedings after they have been commenced.

I have a strong impression that the Irish tenant would, upon the whole, prefer to remain in his present position, rather than have the law assimilated to that of England, and this for three reasons:—first, because he attaches considerable importance to the privilege of running into arrear for 12 months; secondly, because when he owes 12 months' rent the formal service of a notice to quit does not in any way improve his position; thirdly, because if the law were changed, the Irish landlords would, in all probability, very frequently reserve to themselves a right of re-entry whenever a certain amount of rent became due, in the same manner as that right is usually reserved in a written agreement in this country.

I will, at this point, notice a reference which was made by the noble Lord (Lord Emly) to the law with regard to agricultural holdings in France. The noble Lord told us that, under an Article of the Code Napoléon, when more than half of the tenant's crops have been destroyed by what is called a *cas fortuit*, he may claim the remission of a certain part of his rent. Now, upon that I wish to make this observation. The Article quoted embodies the well understood law of the land; and it is with the full knowledge of the existence of that law that all agricultural contracts are entered into by the parties. The Bill now before the House, on the contrary, introduces into existing contracts a provision never contemplated either by landlord or tenant when the contract was made.

Besides this I might add that, to the best of my recollection, under the Code Napoléon, it is open to landlord and tenant to contract themselves out of the Article in question, in so far as it has reference to such a *cas fortuit* as the failure of the tenant's crops; and, finally, I am not aware that there is in the Code Napoléon any Article by which, under any circumstances, the landlord can be fined seven times the annual rent of the farm in the event of his resuming possession of it from the tenant. I think, therefore, that we may put aside as irrelevant the argument which the noble Lord has founded upon the Code Napoléon.

I understood the noble Earl again to contend that the Legislature has a right

to impose these restrictions upon the landlords, because the latter have, during the past winter, received advances of public money, which advances they have spent in the improvement of their estates, on exceptionally favourable terms as to interest and re-payment. With regard to this, I must be permitted to remind the House of the circumstances under which these advances were made. The late Government determined, I think very wisely, to follow the precedent of the Famine of 1847, and to make use of the landlords as the best agency for the distribution of relief. The landlords were accordingly, in the autumn of 1879, offered advances on terms slightly more favourable than those upon which money is ordinarily to be obtained from the Board of Works. The result was remarkable. Except in an utterly insignificant number of cases, the terms were not accepted. The reason is not far to seek. The landowners felt that, except as a means of alleviating distress, a great portion of the relief works would be of very doubtful value. They, no doubt, felt also that, owing to the prevalence of agitation, and the general insecurity of Irish property, it was imprudent to add to their liabilities by increasing the charges upon their estates. It was under these circumstances that the Irish Government found it necessary again to revise the terms upon which loans were offered, and accordingly they issued their notice of January 12, 1880, under which large sums have been advanced and spent in the scheduled districts. The low rate of interest was intended as a compensation to the landlords for the risk which they undoubtedly ran; and you have no right, after inducing them to take up money upon a clear understanding as to the conditions of the loan, to attach to the bargain a new and *ex post facto* condition, such as that proposed in the Government measure. I will venture to say that if any such condition had been hinted at at the time when the loans were offered, very few, if any, of the landlords would have accepted them.

My Lords, whenever we criticize the Bill of Her Majesty's Ministers, we are met with the rejoinder that it is a purely exceptional measure, and that it applies only to a part of Ireland, and to that part only for a short period of time.

I confess that I am utterly unable to see how either of these limitations can

logically be upheld. Take, in the first place, the limitation of area. We are told perpetually that the extra-Ulster tenants have a grievance because they do not enjoy the security afforded to the farmers protected by the tenant right custom, and who are divided from them by a more or less arbitrary boundary line. But, if this is the case, surely the tenants in the non-scheduled districts will have a very similar grievance as compared with their brethren in the scheduled districts; and this grievance will be the more conspicuous if it should prove to be the case, as has been stated apparently on excellent authority, that there are actually more evictions in the non-scheduled than in the scheduled districts.

The inconsistency of the limitation in point of area is, however, nothing compared to the inconsistency of the limitation in point of time. Look, in the first place, at the absurdity of giving to these tenants an interest in their holdings which shall have all the incidents of property, which shall be saleable, which shall be the subject of compensation, up to the last day of 1881, but which, on and after the first day of 1882, shall cease to be property, and be deprived of all the incidents attaching thereto.

I should like to ask the noble and learned Lord upon the Woolsack whether, in the whole of our legal system, there is any precedent for the creation of property subject to such a condition as this?

My Lords, when this Bill is spoken of as a temporary and exceptional one, it is my duty to ask your Lordships whether we have any right to assume that the recent distress is of a wholly exceptional character, or whether our experience of Ireland, and our knowledge of its condition, does not rather justify a contrary belief? We shall be sanguine, indeed, if we can persuade ourselves that in a country for which, by a melancholy pre-eminence, has been reserved the epithet "distressful," distress will never recur. In a district with which I am very familiar we have had the great Famine of 1847, which did not end till 1850. We had again, in 1861, a scarcity not less great than the present. So that, in little more than 30 years, we have gone through three periods of exceptional distress. Can we expect any other result in a country within which 175,000 tenants occupy

holdings valued at or under £4 a-year—a country in three counties of which alone there are 54,000 such tenancies? My Lords, distress will recur; and whenever it does you will have to encounter the demand for a renewal of this legislation. Sometimes the demand will be founded on genuine distress; but I fear that if it be once admitted that the landlords are responsible for failures occasioned by adverse seasons, you will, to use the expression made use of by a friend of mine the other day, "have no more fine weather in Ireland." You will open up a new branch of Irish industry—the manufacture of distress—and, instead of self-reliance and thrift, you will have perpetual appeals for assistance at the public expense, and a fierce competition for admission within the sacred precincts of the scheduled districts.

Before I sit down I would ask your Lordships' attention to the effects of this Bill, should it become law, upon the future of legislation affecting land.

Her Majesty's Ministers are deeply committed to a scheme, whereby the present occupiers of land in Ireland are to be enabled to acquire the freehold of their farms. Such a scheme was embodied in the Land Act of 1870, and a Royal Commission has just been appointed, which is to report upon the best means of developing the project. The scheme proceeds upon the assumption that advances of public money are to be made to the tenants, in order to enable them to purchase their holdings; and that, until the advances have been repaid, they will stand to the Government in the relation of debtor to creditor. Now, I ask your Lordships to consider what sort of debtors these embryo proprietors will make, if, whenever their crops fail, they have the precedent of this Bill for withholding payment of their rents; and what sort of security will the public have for the repayment of the debt due to it, if that debt is to be singled out as one to which the ordinary obligation of a debt is for the future not to attach?

But it is not only with regard to English land that the Government is pledged to legislate. "Free Trade in Land" is one of the war-cries of those who promote this Bill. Farmers are to be emancipated from restrictive covenants, landlords from the fetters of settlements and limitations of ownership. Here

are some excellent sentiments with regard to farm tenure—

“Contracts and agreements between landlord and tenant on the farm ought to be upon the same reasonable and perfectly fair and equal principles as those that are made between the landlord of a mill and the manufacturer who works it.”

These words were spoken a year ago, at Bradford, by the Chief Secretary to the Lord Lieutenant. What a misfortune it is that such admirable principles should be unable to thrive in the atmosphere of the Phoenix Park!

I read, not many days ago, an account of a celebration, presided over by the noble Earl the Lord President, at the dinner of the Cobden Club. This particular programme of Land Reform was very distinctly enunciated, and very warmly received, by the noble Earl and his friends; but if it is once admitted that contracts affecting land are liable to revision by the Legislature in the spirit of this Bill, does the noble Earl imagine that anyone will be able to sell land or willing to buy it? No settlements, no legal ingenuity, will fetter the possession of land with such disabilities as a course of legislation of the kind which the House is invited to approach to-night.

My Lords, I ventured to describe to your Lordships the effect which this Bill was likely to produce upon the minds of the peasantry of Ireland, and I endeavoured to show that it would demoralize them, and lead them to look anywhere but to their own efforts for an escape from their present difficulties. I will now say one word of the effects which it will have upon another class—a class numerically small, no doubt, and too often ignored or forgotten—but on behalf of which, nevertheless, I appeal to your Lordships' sense of justice.

What will be the effect of this Bill upon the minds of those proprietors of land in Ireland who have devoted their lives, their fortunes, their energies, to the development of the resources of their country, and to setting an example of order, industry, and progress to its inhabitants? In the minds of such men proposals like these create utter dismay. They find the Government denouncing agitation by its words, but apparently countenancing that agitation by its acts. They are anxious to give a loyal support to English rule, and to be firm upholders of the union between the

two countries; but if they find that in the hour of their adversity, when their property, if not their lives are threatened, they are betrayed by the Imperial Parliament, their loyalty will be chilled and their energies paralyzed.

My Lords, we are told that we must pass this Bill, or accept the responsibility for the consequences which may follow upon its rejection. That is a cruel dilemma in which to place this House, and we have reason to complain of Her Majesty's Government for having placed us in it. Let us, however, if we are to have a choice of evils, choose the alternative which will involve the smallest amount of mischief. Before we are deterred by the apprehension of the results of the rejection of this Bill, let us not forget what will be the results if we pass it into law. We are told that there will be agitation during the coming winter if the people of Ireland are disappointed of the relief which this Bill is intended to afford. I venture to express my humble opinion that any momentary irritation which may arise from this cause ought not to weigh for a moment against the lasting encouragement to agitation which will be given by the passing of a measure such as this. I do not believe that by passing it you will save the wages of a single constable. You will, on the contrary, if you pass it, give to the agitators a tangible proof of their success. They will return to their clients, and they will say to them—“A temporary and local agitation has gained for you a temporary and limited Bill; continue that agitation; let it spread over the face of the whole country; and you will enable us to obtain for you a Bill of which the duration will be permanent, and which will extend to the whole of Ireland.”

My Lords, I trust that the judgment which your Lordships will, under circumstances of great difficulty, pass upon this Bill, will be one conducive to the best interests of Ireland: in this Assembly, at all events, political consistency, respect for principle, regard for the continuity of our legislation should have a home. I believe your Lordships will be untrue to the best traditions of this House if you give a second reading to a measure which, should it find a place in the Statute Book, will remain there a lasting record of ill-considered, precipitate, and unjust legislation.











